

CITY of BURIEN
Department of Community Development

Interpretation # 00-03

Subject: Clarification of zoning for amusement arcades in the CN and CI zones

Interpretation: It is my interpretation that amusement arcades are not permitted in the CN and CI zones.

Findings of Fact:

- The defined or common meaning of the words of the provision:
 1. Zoning Code Section 19.10.025 defines “amusement arcade” as “a building or part of a building in which five or more pinball machines, video games, or other player-operator amusement devices (excluding jukeboxes or gambling-related machines) are operated.”
 2. Zoning Code Section 19.10.465 defines “retail” as “a commercial enterprise which: provides goods and/or services directly to the consumer; and, whose goods are available for immediate purchase and/or rental; and, whose goods are available for immediate removal from the premises by the purchaser and/or whose services are traditionally not permitted within an office use....”
 3. Zoning Code Section 19.10.080 defines “convenience retail” as “a small-scale retail use that provides *limited goods and/or services to consumers to meet their daily needs*. Customers typically visit a convenience retail business at least once per month. Any goods purchased must be capable of being transported from the establishment in an automobile. Goods and services offered include, but are not limited to: convenience auto service, banking, groceries, hair salon, laundry, pet care, pharmacy, and video rental.
- The general purpose of the provision as expressed in the provision.

There are no purposes listed in the provision.
- The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan and applicable purpose and intent statements in this Code.
 1. Zoning Code Section 19.15.015 (Neighborhood Center (CN) Zone) Purpose & Intent: “The purpose of this zone is to establish relatively small areas to provide convenience goods and services *to meet the everyday needs of the surrounding residential neighborhoods*, while protecting neighborhood character. The intent is to provide for limited retail stores, services, offices and mixed use buildings that serve the immediate neighborhood (as well as other markets or service areas), located in neighborhood focal points which are designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods...”
 2. Zoning Code Section 19.15.020 (Intersection Commercial (CI) Zone) Purpose & Intent: “The purpose of this zone is to establish areas (in otherwise residential areas) for low to moderate intensity convenience commercial uses to serve customers travelling to and from their nearby homes. The intent is to provide a diverse mix of uses which serve multiple residential areas, designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods...”

Conclusions:

An amusement arcade is not a “convenience retail” use since it is not a service needed by consumers to meet their daily needs. However, it is a retail use since it provides a service to consumers that is not traditionally permitted in an office use. “Retail” uses are not allowed in CN and CI zones; therefore, an amusement arcade (which is a “retail” use) is not allowed in those zones.

Robert G. Odle
Community Development Director

August 7, 2000
Date